

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

PHILIP A. GIORDANO,

Plaintiff,

v.

WARDEN UNKNOWN BOULET,

Defendant.

CAUSE NO. 3:22-CV-749-CWR-LGI

ORDER

Before the Court is Petitioner Philip A. Giordano's objection to the Magistrate Judge's Report and Recommendation. Docket No. 19.

Giordano first argues that the Court has jurisdiction to enforce the settlement agreement. The Magistrate Judge found that the Court was without jurisdiction because the parties' stipulation did not contain a provision permitting the Court to enforce the settlement agreement. This Court agrees. *See Kokkonen v. Guardian Life Ins. of Am.*, 511 U.S. 375, 381–82 (1994). Giordano has cited no evidence or authority to the contrary.

Giordano also argues that the Court has subject-matter jurisdiction over his remaining claims. The Magistrate Judge properly found that the Court was without jurisdiction under 28 U.S.C. § 2241 because Giordano's Walsh Act/PSF Sex Offender designations and PATTERN score do not affect the duration or constitutionality of his confinement. Because "[a] finding in [Giordano's] favor would not result in his necessarily being released from prison sooner than would otherwise be the case," his petition must be denied. *Winston v.*

Young, No. 5:14-CV-39, 2015 WL 9916168, at *2 (E.D. Tex. Dec. 28, 2015), *report and recommendation adopted*, No. 5:14-CV-39, 2016 WL 310518 (E.D. Tex. Jan. 25, 2016).¹

For these reasons, the objection is overruled and the Report and Recommendation is adopted as this Court's own findings. A separate Final Judgment shall issue this day.

SO ORDERED, this the 23rd day of July, 2025.

s/ Carlton W. Reeves
UNITED STATES DISTRICT JUDGE

¹ This Court also agrees with the Magistrate Judge's findings on the merits. Giordano's designations and PATTERN score are appropriate. Though he was not convicted of a sexual offense, "his presentence report and the decisions affirming his convictions indicate that he repeatedly sexually abused his victims." *See* Docket No. 19 at 8.